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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DONALD M. SKAGGS and
11 CHARLOTTE M. SKAGGS,

12 Plaintiffs,

13 v.

14 BORGWARNER MORSE TEC INC.,
15 et al.

Defendants.

CASE NO. C14-1506JLR

ORDER GRANTING
PLAINTIFFS' MOTION TO
REMAND

16 Before the court is Plaintiffs' unopposed motion to remand. (*See* Mot. (Dkt. # 7).)
17 This is an asbestos case. Plaintiff Donald M. Skaggs originally filed this suit against 20
18 corporate defendants in the Superior Court of Washington for King County. (Compl.
19 (Dkt. # 2-1).) Defendant Crane Co. ("Crane") removed the case to this court based on
20 federal officer jurisdiction under 28 U.S.C. § 1442. (*See* Not. of Rem. (Dkt. # 1).)
21 Defendant CBS Corporation ("CBS") filed a notice joining in the removal. (Joinder
22 (Dkt. # 8).) Plaintiffs then voluntarily dismissed both Crane and CBS and filed a motion

1 to remand on the theory that there was no remaining basis for the court to exercise subject
 2 matter jurisdiction. (*See* Mot.; Dkt. # 6 (dismissing Crane).)¹

3 Defendant Owens-Illinois, Inc. (“Owens”) initially opposed remand and requested
 4 additional time to brief the issue, which the court granted. (*See* OI Resp. (Dkt. # 42);
 5 10/16/14 Order (Dkt. # 52).) Owens, however, has now withdrawn its opposition to
 6 Plaintiffs’ motion to remand. (*See* OI Notice of Withdrawal (Dkt. # 64).)

7 Because the sole removing defendants have been dismissed from the case, no
 8 other defendants assert a basis for federal jurisdiction, and the remainder of the case
 9 involves state tort claims by Washington residents against at least one non-diverse
 10 defendant (*see generally* Compl.; Mot.), the court finds that remand to state court is
 11 appropriate. *See* 28 U.S.C. § 1447(c). Accordingly, the court GRANTS Plaintiffs’
 12 motion to remand (Dkt. # 7).

13 The court further ORDERS that:

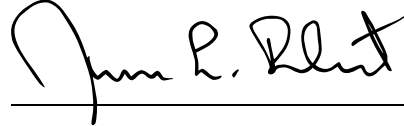
- 14 1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this
 15 case are REMANDED to the Superior Court for King County in the state of
 16 Washington,
- 17 2. The Clerk of the Court shall send copies of this order to all counsel of record
 18 for all parties,

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21 ¹ Plaintiff has provided CBS with a release of claims. (*See* Dkt. # 62-1 (settlement documents).)
 22 At oral argument, the court inquired into CBS’ status and Plaintiffs’ counsel informed the court that the
 parties had entered into a settlement agreement and that a voluntary dismissal was forthcoming.

3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy of the order of remand to the Clerk of the Court for the Superior Court for King County, Washington,
4. The Clerk of the Court shall also transmit the record herein to the Clerk of the Court for the Superior Court for King County, Washington,
5. The parties shall file nothing further in this matter, and instead are instructed to seek any further relief to which they believe they are entitled from the courts of the state of Washington, as may be appropriate in due course, and
6. The Clerk of the Court shall CLOSE this case.

Dated this 15th day of December, 2014.

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

JAMES L. ROBART
United States District Judge